



canadian | association
energy | canadienne
pipeline | de pipelines
association | d'énergie

Suite 1110 505 3rd St SW | P: (403) 221 8777
Calgary, Alberta T2P 3E6 | F: (403) 221 8760
| aboutpipelines.com

Honourable George Heyman
Minister of Environment and Climate Change Strategy
Parliament Buildings
Victoria, British Columbia V8V 1X4

August 31, 2018

Dear Minister Heyman,

The Canadian Energy Pipeline Association (CEPA) would like to thank the BC Ministry of Environment and Climate Change Strategy for the opportunity to comment on the development of an effective provincial species at risk legislation. Our members operate 118,000 kilometres of transmission pipeline in Canada (8,600 of which are located in BC) and transport 97% of Canada's daily natural gas and onshore crude oil production from producing regions to markets throughout Canada and the U.S.

CEPA supports the recovery of species at risk and believes provincial legislation should be developed in a way, which respects the urgency of action on species recovery, and delivers a working landscape where responsible development and management of existing infrastructure can continue. Furthermore, we recommend that the BC government ensures new legislation considers the interaction it will have with other ongoing regulatory and legislative changes that are currently being considered at both the provincial (e.g. Environmental Assessment Revitalization) and federal (e.g. Bill C-69) level.

Based on the current information and consultations to date, CEPA would like to offer the following comments regarding permitting, authorization and compliance.

Permitting

A well-functioning system for permits and agreements is very important for effective implementation and enforcement of new legislation. Many of our members operate federally regulated pipeline crossing either provincial boundaries or the Canada - USA border, requiring them to operate in accordance with the *National Energy Board Act*, *Onshore Pipeline Regulations*. Listed species and associated critical habitat (as defined by the federal *Species at Risk Act*) overlap these pipelines and associated right-of-ways at various locations.

Accordingly, new provincial legislation must take into consideration operations and maintenance requirements for existing pipeline infrastructure as it pertains to federal regulatory requirements. Our members are legislated to maintain above ground identification and sight lines along their right-of-ways for monitoring and surveillance, integrity maintenance and emergency response. This requires implementation of routine and annual vegetation management programs. Pipeline integrity management programs also include completion of integrity investigations, cathodic protection and hazard abatement works. These activities typically require temporary exposure of the pipelines by excavation. Temporary disturbances associated with these routine works are mitigated and sites are restored to pre-construction conditions. These pipeline integrity programs are critical in protecting the pipeline, the public and the environment.

Further to the above, CEPA would like to understand how the industry concerns will be taken into consideration by the province when developing this new legislation. Specifically, clarification is requested for the following items:



- How will the permitting process and standards for management of existing facilities and infrastructure be developed and what criteria will be used? It is imperative the new legislation incorporates a streamlined notification process for Operations and Maintenance activities that is federally required for existing infrastructure.
- Will there be a possibility for the issuance of permits to authorize routine activities at multiple locations and/or that affect multiple species?
- Does the provincial government intend to develop detailed best management practices and practical guidelines through consultation with industry to ensure compliance and gain comprehensive understanding of typical activities that could fall under this new legislation's jurisdiction?
- Under what circumstances will offsets for the destruction of critical habitat be considered?
- What short-term and long-term compliance options for species requiring regional or habitat specific approaches will be available to project proponents?
- Will the government be developing a process in which to collect data and information regarding population demographics for target species to increase understanding of how many and where the habitat and species are located?

CEPA encourages the province to consider the above when developing standards, guidelines and best management practices in order to ensure clarity and transparency of expectations and requirements.

Authorization and Compliance

Appropriate legislation should aim to decrease uncertainty amongst industry proponents carrying out work in areas subject to species at risk legislation, which will in turn decrease risk to affected areas. This can be accomplished by developing appropriate permitting processes, guidelines and best management practices, which provide direction and greater certainty of compliance. For example, the ability to provide multi-year permits for specific regions or species at risk, or a process, which enables land users to develop management plans for specific areas then included in a multi-year permit, similar to the existing process for general wildlife permits (e.g. Osprey Nest Management under the *Wildlife Act*).

Conclusion

Once again, thank you for the opportunity to comment on the development of an effective provincial species-at-risk legislation. CEPA and its member companies support this initiative and are committed to working with your government to ensure legislation is developed in a thoughtful and effective manner. If you have any questions or concerns, please contact the undersigned.

Yours sincerely,

Kai Horsfield
Manager, Regulatory and Policy